

FOR THE DEPARTMENT OF THE ARMY

JOHN GARDNER LEE

1. Scientific

Interrogatory



JOHN ASHCROFT

(coefficient)

Control Action No.

04 CN 11749-NF

AFFIDAVIT

AFFIDAVIT IN SUPPORT OF PETITIONERS
MOTION FOR ALLOWANCE / EXTENSION OF TIME
TO FILE BRIEF AND MEMORANDUM ^{OF LAW} ^{AND} ^{AN} ^{ALSO} ^{PRO}
TUNA SPOORING RESPONDENTS "MOTION TO
DISMISS AND JURY QUESTION."

Now comes John Ogbode Ez., the Petitioner in the above-entitled matter, and being duly sworn, states the following:

1. My name is John Ogburn Eze

- 21 I am a native son of Nigeria and entered United States

3. In May 7, 1978, I was granted the status of temporary resident under the Amnesty Act of 1976. I have lived here continuously ever since and have never left the country.

4. On or about September 14th, 2004, I received respondent's "Motion and Memorandum of Law in Support of Motion to Dismiss and Stay Opposition."

5. By a notice dated September 24th, 2004 and filed with the U.S. Court of Appeals, First Circuit, the DHS advised the Court of Appeals of the DHS' intent to remove the petitioner on September 22, 2004, pursuant to administrative "final order" issued by the BIA.

6. A similar advice was also incorporated in Respondent's "Motion to Dismiss and Stay Opposition" filed with the U.S. District Court, Boston Mass.

7. On September 17, 2004, I was moved from Bristol County Jail, North Duxbury, Mass.

(on)

representative where I am currently detained while DHS custody.

8.

On Tuesday September 21, 2004, I was transported to Becton, NY, for a September 22, 2004 removal to Nigeria. However, the DHS, who never had travel documents, was unable to secure one and so the removal was averted.

9.

Between September 19, 2004 and October 2nd, 2004, I did not have access to my legal papers because of the constant movement my failed removal attempt had caused. Furthermore, I have been informed by the Suffolk County Jail where I am currently detained that I needed a two-week waiting period to have access to a typewriter for my legal work and I have been unable to use the phone to contact the clerk of court to apprise the court of my situation.

10.

I am unrepresented by counsel and therefore could not otherwise respond to Respondent's motion given above legitimate circumstances.

comparable to the one I was in § 241, among other things, as stated in the accompanying motion.

11. Finally, on September 27, 2004, I was returned to Suffolk County Jail, Boston, Massachusetts where I am currently detained. Presently, I have access to my legal materials and would like to prepare and type my opposition to Respondent's motion.

12. I respectfully request an extension of time to oppose Respondent's motion.

Dated October 12,
2004.

Respectfully Submitted,

John Eze

John Obede Eze

I, John David Eze, depose and state under oath that a true copy of the within document - Dr. Williams' Motion for Allowance/Extension of Time to File Brief & Memorandum of Law and Pro Test Opposing Defendant's Motion to Dismiss and Stay Opposition - was served on the opposing United States Attorney, on this 12th day of October, 2004, by depositing same in the United States mail, postage prepaid, and addressed as follows:

Frank Crossley
 Special Assistant U.S. Attorney
 Department of Homeland Security
 P.O. Box 8702
 J.F.P. Station
 Boston, MA 02114